

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:23-CR-143
)	
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
CHRISTIAN G. HERNANDEZ-MUNOZ,)	<u>ORDER</u>
)	[Resolving ECF No. 14]
Defendant.)	

A Final Pretrial Conference is scheduled in this matter for May 2, 2023 at 4:00 p.m., with Trial set for May 15, 2023 at 9:00 a.m. Pending before the Court is Defendant Christian G. Hernandez-Munoz’s Unopposed Motion to Continue Trial and All Dates and Deadlines for approximately 45 days. [ECF No. 14](#). In support of that motion, counsel states, “[a]dditional time is needed to review the discovery, continue to meet with Mr. Hernandez-Munoz, conduct any investigations, discuss plea negotiations and advise Mr. Hernandez-Munoz of his options and the consequences of each, translate the proposed plea agreement and review it with Mr. Hernandez-Munoz, and prepare for trial (if necessary).” The Government does not object to a continuance, and the motion sets forth mutually agreeable dates for rescheduling the Final Pretrial and Trial. Defense counsel has further provided a speedy trial waiver executed by Defendant. [ECF No. 14-1](#).

In determining whether continuing a trial date serves the ends of justice, the Court must

(1:23-CR-143)

consider certain factors outlined in 18 U.S.C. § 3161(h)(7)(B). The Court considers the following factors, among others:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B).

Having considered the factors above and the motion and finding that no prejudice results from providing the extension sought to allow additional time for review of discovery, client meetings, and investigation, among other things, Defendant's motion to continue is well taken. The Court finds that the ends of justice served by granting Defendant's motion to continue in the instant matter outweighs the best interests of the public and Defendant in proceeding more speedily. Defendant's Unopposed Motion to Continue Trial and All Dates and Deadlines for

(1:23-CR-143)

approximately 45 days, [ECF No. 14](#), is granted in part.¹ The Final Pretrial Conference is reset for **July 13, 2023 at 3:00 p.m.** and Trial is reset for **July 24, 2023 at 9:00 a.m.** All new due dates shall be calculated by counsel so that the parties comply with the time frames set by the Criminal Pretrial and Trial Order. [ECF No. 8](#).

IT IS SO ORDERED.

April 28, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

¹ Defense counsel requests only an additional 45 days; the Court's schedule, however, accommodates the new dates herein.